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The situation in the occupied territories of Azerbaijan

Report of the Secretary-General

Summary

In its resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan", the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-third session a comprehensive report on the implementation of the resolution. In the same resolution, the Assembly inter alia, "calls upon Member States and international and regional organizations and arrangements to effectively contribute, within their competence, to the process of settlement of the conflict".

The present report reproduces the replies received from the Co-Chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, Governments of States Members of the United Nations, and the Chairman-in-Office of OSCE.

Since 1992, the OSCE Minsk Group has led efforts to find a political solution to the Nagorno-Karabakh conflict on the basis of the principles, commitments and provisions of OSCE.

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I. Introduction

1. In its resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan", the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-third session, a comprehensive report on the implementation of the resolution.

2. Pursuant to that request, in notes verbales dated 15 and 24 September 2008, the Under-Secretary-General for Political Affairs, on behalf of the Secretary-General, invited Governments of States Members of the United Nations and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) to provide any information they might wish to contribute for the preparation of his report.

3. The present report reproduces the replies from the three Co-Chair countries of the OSCE Minsk Group (France, Russian Federation, United States of America), Governments, and the 2008 Chairman-in-Office of OSCE (Finland) that had been received as at 10 February 2009. Replies received after that date will be reproduced as addenda to the present report.

II. Reply received from the United States of America, on behalf of the three Co-Chair countries of the Organization for Security and Cooperation in Europe Minsk Group (France, Russian Federation, United States)

[Original: English]
[2 December 2008]

1. As we noted in our explanation of vote on General Assembly resolution 62/243 on 14 March 2008, our three countries had jointly proposed to the two parties a set of basic principles for the peaceful settlement of the conflict on the margins of the OSCE Ministerial Council in Madrid in November 2007. Those basic principles were founded on the provision of the Helsinki Final Act, including those related to refraining from the threat or use of force, the territorial integrity of States, and the equal rights and self-determination of peoples. The proposal transmitted to the two sides in Madrid comprised a balanced package of principles that was then, and is still currently, under negotiation. Our countries viewed resolution 62/243 as selectively propagating only certain of those principles to the exclusion of others, without considering the Co-Chairs' proposal in its balanced entirety. This lack of balance forced our countries to vote against the resolution, much to our regret. Nevertheless, in our explanation of vote, and again today, we reaffirm our support for the territorial integrity of Azerbaijan. We are still convinced today that the most effective way for Azerbaijan to secure its territorial integrity is to continue its increasingly constructive discussions with Armenia to finalize the basic principles our countries proposed to both parties in Madrid, and thereby establish the framework for a comprehensive settlement that also incorporates the principles of self-determination and non-use of force in a mutually acceptable way.

2. In conclusion, we note that on 2 November 2008, the President of Azerbaijan, together with the Presidents of Armenia and the Russian Federation, signed a joint declaration in Moscow in which they reaffirmed "the importance of continuing the

mediation efforts of the Co-Chairmen of the OSCE Minsk Group with regard to their meetings with the parties in Madrid on 29 November 2007 and subsequent discussions with a view to further developing the basic principles of a political settlement".

3. In addition, the three Co-Chair countries of the OSCE Minsk Group submitted the following statement addressed to the Permanent Council of OSCE on 6 November 2008, outlining their activities relating to the Nagorno-Karabakh settlement during the past year:

> "In the course of the last year that has passed since our previous statement to the OSCE Permanent Council, important events happened in the region of the South Caucasus as a whole and in Armenia and Azerbaijan, in particular. These events had their impact on the process of settlement of the Nagorno-Karabakh conflict as well as on the mediation activity of the OSCE Minsk Group Co-Chairs. We've been regularly, usually once every three months, informing members of the Minsk Group about the state of the settlement process as well as the course and plans of our joint work. From their part we have received constant encouraging support and valuable advice, for which we express to our Minsk Group colleagues our sincere gratitude.
>
> "Looking at our activity during the past year in chronological order, the first important event to mention was the presentation by the Foreign Ministers of Russia, France and the US Under-Secretary of State to the Foreign Ministers of Armenia and Azerbaijan just before the opening of the Ministerial Conference in Madrid of the proposals of the three Co-Chairs countries on the basic principles for the Nagorno-Karabakh settlement.
>
> "These official proposals of the Co-Chairs are commonly referred to now as the 'Madrid document'. The Co-Chairs explained from the beginning, that this document was not an ultimatum, and its provisions were not the 'ten Commandments', but rather a formulation of basic principles, already preliminary agreed, or draft versions of basic principles on which both sides have at least some mutual understanding, and, finally, the Co-Chairs' proposals on just a few basic principles, on which the sides have the most serious differences and which could not thus far be agreed.
>
> "Today, almost a year after the presentation of the Madrid document to the Parties, the Co-Chairs are convinced that this move allowed for the transformation of the basic principles of the Nagorno-Karabakh settlement from a set of working talking points into an official proposal of the mediators, which is kept by the OSCE Secretary-General. We believe the formal presentation of this proposal was absolutely necessary. It secured the basis for future negotiations, which had been worked out during the last three and a half years and, in 2008, especially between the presidential elections in Armenia in February and in Azerbaijan in October, has undergone a serious test.
>
> "On January 14-18, our 'troika' made a shuttle trip to the region, visiting twice each capital. We received written and oral comments from the Parties to the Madrid document, and these comments demonstrated the first attempts to revise substantively a balanced package of basic principles for the Nagorno-Karabakh settlement.

"These attempts culminated in March with the presentation by Azerbaijan of the draft UN General Assembly resolution which selectively propagated only certain of these principles, to the exclusion of others, without considering the Co-Chairs proposal in its balanced entirety. Because of this selective approach, the three Co-Chair countries opposed this unilateral draft resolution and voted against it.

"In parallel, we had to deal with a severe deterioration of the situation along the Line of Contact, where serious clashes occurred in early March. The Personal Representative of the CIO Ambassador A. Kasprzyk, with whom we've been in close contact, will present more details on this in his report, which will follow ours.

"After several meetings with the sides, in March and April, including with President Aliyev and newly elected President Sargsian, the Co-Chairs managed to organize the first meeting in Strasbourg between the Foreign Ministers after the nomination of the new head of Armenian diplomacy, Mr. Nalbandian.

"This meeting paved the way for the resumption after a year-long pause in conducting bilateral summits with a meeting in St. Petersburg between President Aliyev and President Sargsian on June 6, 2008.

"As a follow up to this summit the Co-Chairs revisited the region at the end of June to receive the confirmation by both Presidents of their readiness to continue to work with the help of the Minsk Group Co-Chairs on their proposals on the basic principles presented in Madrid. This reconfirmed our last year's expectations, which we shared with the PC, that the talks should not begin from scratch and that the electoral year 2008 would not be idle, but rather a year of intensive work on finalizing the basic principles for the Nagorno-Karabakh settlement.

"In September, Ambassador Fassier and I travelled to the region to consult with the Presidents and Foreign Ministers of Armenia and Azerbaijan, both in a bilateral capacity and on behalf of the Co-Chairmanship. In Yerevan, Baku, and in Nagorno-Karabakh, we heard a consistent message from our interlocutors: a window of opportunity was again emerging that could allow us to make significant progress on reaching an agreement on the Basic Principles. All our interlocutors agreed that the tragic events in Georgia in August served as a potent reminder of the human costs of war, and demonstrated how easily instability can spread throughout the entire region. Other regional developments, including talks between Turkey and Armenia, helped reinforce the idea that the normalization of relations within the region was within reach and, once achieved, could serve as a foundation for long-term stability, security, and prosperity in the South Caucasus.

"At the end of September, the Co-Chairs met in New York on the margins of the United Nations General Assembly session. We met with the President of Armenia, Serge Sargsian, as well as with the Foreign Ministers of Armenia and Azerbaijan, Edward Nalbandian and Elmar Mammadyarov. During these meetings in New York, we discussed the possibilities for organizing a summit between the Presidents of Armenia and Azerbaijan shortly after the Azerbaijani presidential elections. That summit, hosted by Russian President Medvedev,

took place on November 2 at the Meiendorf castle outside of Moscow, with all three of the Co-Chairs present. Significantly, the three presidents signed a written declaration, the first ever document signed by the Presidents of Armenia and Azerbaijan pertaining to the Nagorno-Karabakh conflict. The declaration commits the Presidents to seek a political resolution of the conflict on the basis of the principles and norms of international law and international documents. The Presidents also reaffirmed the importance of the mediation efforts of the three Co-Chairs and make note of the meeting of the Co-Chair representatives with the Foreign Ministers of Armenia and Azerbaijan in Madrid on the margins of last year's OSCE Ministerial Council meeting.

"In the declaration, the Presidents stress the importance of confidence-building measures and international guarantees to build the trust required to reach and sustain a just and balanced agreement.

"Finally, in their declaration, the Presidents call on their Foreign Ministers to energize their efforts to finalize a framework for a political settlement of the Nagorno-Karabakh conflict on the basis of the Minsk Group's ongoing efforts, including the Basic Principles we have been discussing and developing for the past three and a half years, and for actively pursuing confidence building measures between the sides.

"We interpret this declaration as a vindication of our efforts to mediate a resolution to the conflict on the basis of the Basic Principles. We will visit the region in the weeks prior to the Ministerial Council meeting in Helsinki to work with the parties to refine the Basic Principles and find a mutually acceptable solution to the last remaining differences between the sides. We hope we can help the parties agree on a date when the Presidents of Azerbaijan and Armenia can meet again to build on the positive momentum that has been established."

III. Replies received from Governments

Armenia

[Original: English]
[28 November 2008]

1. The overwhelming majority of the United Nations Member States, including all European Union members, did not support the resolution. The OSCE Minsk Group Co-Chair States — France, the Russian Federation and the United States, the mediators in the settlement of the Nagorno-Karabakh conflict — voted against the Azerbaijani initiative. Speaking on behalf of the Co-Chairs, the United States delegation emphasized, "this draft resolution selectively propagates only certain principles to the exclusion of others, without considering the Co-Chairs' proposal in its balanced entirety".

2. The adoption of the resolution by the General Assembly did not only impede the peaceful negotiation process of the resolution of the Nagorno-Karabakh conflict, but also had destructive consequences further propelling Azerbaijan's long-standing militaristic policy. Azerbaijan attempted to ignore the existing negotiation framework and the Madrid proposals presented by the three Co-Chairs in November

2007, and to compel the use of the General Assembly resolution as a basis for negotiations for the resolution of the Nagorno-Karabakh conflict. This motion by Azerbaijan paralysed the whole process of negotiations.

3. The agreement to accept the Madrid principles as a basis for negotiations was reached only on 6 June 2008, at the St. Petersburg meeting of the Presidents of Armenia and Azerbaijan. As a result of this agreement, the Presidents instructed the Foreign Ministers of the two countries to continue the negotiations based on the Madrid proposals in order to bring closer the positions of the parties.

4. Nevertheless, following the meeting in St. Petersburg and up until the presidential elections in Azerbaijan in October 2008, the latter continued its militaristic policy at the highest levels.

5. The negotiations on 2 November 2008, in Moscow, initiated by the President of the Russian Federation, as head of an OSCE Minsk Group Co-Chair State, and the signing of the Declaration on the Nagorno-Karabakh conflict by the Presidents of Armenia, Azerbaijan and the Russian Federation gave a new momentum to the peace process. This initiative was welcomed by the three Co-Chairs and enjoyed their support.

6. The most important provisions of the Declaration are as follows:

- Political settlement of the Nagorno-Karabakh conflict;
- Resolution of the Nagorno-Karabakh conflict on the basis of norms and principles of international law;
- Reaffirmation of the continuation of the OSCE Minsk Group Co-Chairs' mediation efforts;
- Continuation of negotiations on the basis of the Madrid proposals;
- Peaceful settlement accompanied by international guarantees;
- Creation of conditions for the implementation of confidence-building measures.

7. The signing of the Declaration was a positive step towards the reinvigoration of the process of peaceful resolution of the Nagorno-Karabakh conflict. However, Azerbaijan not only continues its militaristic policy, but it also misinterprets the provisions of the Declaration. Stating, in particular, that the peaceful settlement does not exclude use of force by Azerbaijan and its distorted comments on the Moscow Declaration, the efforts to ignore the provisions fixed in it, hinder the efficiency of the negotiation process and its progress.

8. Therefore, any new Azerbaijani attempt aimed at impeding the negotiation process will endanger the peaceful and comprehensive settlement of the Nagorno-Karabakh conflict. The process requires very professional and well-informed approaches and cannot be resolved through voting in different forums.

9. Armenia is confident that if the parties continue in the spirit of the Moscow meeting and demonstrate political will, they shall advance towards the resolution of the Nagorno-Karabakh conflict.

Azerbaijan[1]

[Original: English]
[18 November 2008]

1. The Republic of Azerbaijan wishes to stress that the General Assembly, in its resolution 62/243, reaffirmed the continued respect and support of the Assembly to the sovereignty and territorial integrity of the Republic of Azerbaijan and invited the Member States of the United Nations to consolidate their support for the settlement of the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan on the basis of territorial integrity of the Republic of Azerbaijan within its internationally recognized borders. In this regard, Azerbaijan wishes to draw attention to the attached official statements and support extended by the United Nations Member States to the settlement of the conflict on the basis of territorial integrity and sovereignty of Azerbaijan.[2]

2. At the recent meeting of the Presidents of Armenia, Azerbaijan and the Russian Federation in Moscow on 2 November 2008, the Presidents signed a Declaration stating that "the settlement of the conflict should be based on the norms and principles of the international law and the decisions and documents approved within this framework", which also includes General Assembly resolution 62/243, and thus shall also be considered as a support to the settlement of the conflict on the basis of territorial integrity and sovereignty of Azerbaijan.

3. The General Assembly demanded the withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan. In this regard, Azerbaijan would like to recall United Nations Security Council resolution 822 (1993), paragraph 1; resolution 853 (1993), paragraph 3; resolution 874 (1993), paragraph 5; and resolution 884 (1993), paragraph 4; demanding immediate withdrawal of all occupying forces from the occupied areas of Azerbaijan and remind that the provisions of the said General Assembly resolution are still being ignored by the Republic of Armenia.

4. The Assembly further reaffirmed the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to

[1] In addition to the material reproduced in the present report, the Government of Azerbaijan submitted the following documents to the Secretary-General on 18 November 2008:
Letter dated 8 October 2007 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the annex containing the report entitled "Military occupation of the territory of Azerbaijan: a legal appraisal" (A/62/491-S/2007/615);
letter dated 17 February 2009 from the Permanent Representative of Azerbaijan addressed to the Secretary-General containing a document entitled "Support by the States Members of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorno-Karabakh region of Azerbaijan" (A/63/730-S/2009/103).
Further, on 22 and 26 December 2008, and 23 January 2009, the Government of Azerbaijan submitted the following documents to the Secretary-General: "Report on the legal consequences of the armed aggression by the Republic of Armenia against the Republic of Azerbaijan" (see A/63/662-S/2008/812, annex); "Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia's revisionist claims" (see A/63/664-S/2008/823, annex); "Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory" (see A/63/692, annex).

[2] The document entitled "Support by the Member States of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorno-Karabakh region of Azerbaijan" (see A/63/730-S/2009/103, annex).

their homes in safety and dignity and stressed the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict-affected territories. Support of the States Members of the United Nations to realize their right to return and restore the pre-conflict demographic situation will allow for both Azerbaijani and Armenian communities of the Nagorno-Karabakh region to participate on an equal basis in the process of definition of an effective democratic system of self-governance of the region within the Republic of Azerbaijan.

5. However, Azerbaijan would like to draw attention to the fact of illegal settlements conducted by the Republic of Armenia in the occupied territories of Azerbaijan, which was raised by Azerbaijan at the United Nations General Assembly in 2004. The Assembly comprehensively addressed the issue and invited OSCE to carry out the fact-finding mission to the occupied territories of Azerbaijan. Unfortunately, the concerns expressed by the General Assembly and the recommendations of the fact-finding mission are being ignored by Armenia.

6. Paragraph 5 of the resolution states that the Member States shall not recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation. The Government of Azerbaijan counts on the efforts by the States Members of the United Nations to prevent any attempts to consolidate the results of occupation of the territories of Azerbaijan.

7. A report of the Secretary-General properly reflecting the principled basis for the settlement of the conflict laid down in the United Nations General Assembly and Security Council documents mentioned above as well as reaffirming the support of the Member States of the United Nations to the territorial integrity of the Republic of Azerbaijan and to the return of the Azerbaijani population to the Nagorno-Karabakh region and other territories of Azerbaijan, as it is visible from the documents attached to this letter,[1] will be a sound contribution for mobilizing a strong and unequivocal support of international community for the settlement of this conflict and will persuade Armenia to behave in a constructive manner in the conflict resolution process with a view to bringing stability and prosperity to the South Caucasus.

8. The Republic of Azerbaijan remains committed to the peaceful resolution of the conflict in and around the Nagorno-Karabakh region of Azerbaijan. The mediation efforts conducted for already quite a long period of time within the framework of OSCE have yet to yield results, Azerbaijan continues to be committed to solving the conflict peacefully and in a constructive manner. The strategy of the Government of Azerbaijan is aimed at the liberation of all occupied territories, the return of forcibly displaced population to their homes, and the establishment of durable peace and stability in the Nagorno-Karabakh region of Azerbaijan, as well as in the entire South Caucasus.

9. The ultimate objective of the settlement process is to elaborate and define the model and legal framework of the status of the Nagorno-Karabakh region within Azerbaijan. Having said that, Azerbaijan believes that the process of definition of any status shall take place in normal peaceful conditions with direct, full and equal participation of the entire population of the region, namely, the Armenian and Azerbaijani communities, and in their constructive interaction with the Government of Azerbaijan exclusively in the framework of a lawful and democratic process. A number of important steps have to be taken to reach a stage where the parties

concerned can start considerations of the self-rule status for the Nagorno-Karabakh region within Azerbaijan. First, the factor of military occupation must be removed from the conflict settlement context. Delay of return of the territories, which is not justified by the real substantial reasons, can complicate the already difficult settlement process.

10. Secondly, demographic situation, which existed in the region before the outbreak of the conflict, must be restored. It is clear that the status may only be defined through direct participation of both Azerbaijani and Armenian communities, living side-by-side in Nagorno-Karabakh. Thirdly, the regime of interaction between the central authorities of Azerbaijan and local authorities of the Armenian community must be established, until the new legal status of self-rule for the Nagorno-Karabakh region is elaborated.

11. Another important element is a rehabilitation and economic development of the region. This step is essential for the process of normalization of life and the restoration of peaceful coexistence and cooperation between the two communities. It should include the restoration and development of economic links between the two communities, as well as between the central authorities of Azerbaijan and the Nagorno-Karabakh region; and the restoration and opening of all communications for the mutual use by both sides in both directions, including Lachin road. The fifth element entails cooperation between the two communities in the humanitarian sphere, including implementation of the special programmes on education and tolerance.

12. As for the implementation of the peace agreement to be signed between Armenia and Azerbaijan, it will be guaranteed by the commitments undertaken by the two sides under the Agreement, and by the relevant international guarantees.

13. The conflict can only be solved on the basis of respect for the territorial integrity and inviolability of the internationally recognized borders of Azerbaijan, and peaceful coexistence of Armenian and Azerbaijani communities in the Nagorno-Karabakh region, fully and equally enjoying the benefits of democracy and prosperity.

Belarus

[Original: Russian]
[13 November 2008]

1. The Republic of Belarus is interested in a peaceful settlement of the Nagorno-Karabakh conflict and has consistently supported the efforts of the Co-Chairs of the OSCE Minsk Group with regard to this matter.

2. Belarus welcomes the signature of the Nagorno-Karabakh Declaration during the meeting held in Moscow on 2 November 2008 by the President of the Russian Federation, Mr. D. Medvedev, the President of the Republic of Azerbaijan, Mr. I. Aliev, and the President of the Republic of Armenia, Mr. S. Sarkisyan. Belarus hopes that in the near future this positive momentum will be built upon further and that the parties will find a mutually acceptable solution to their remaining differences.

3. Belarus calls on the Azerbaijani and Armenian sides to continue direct negotiations at all levels, including contacts between Ministers of Foreign Affairs and face-to-face meetings between Presidents.

4. Belarus reaffirms its willingness to make every effort to advance the peace process and, in accordance with CSCE/OSCE decisions, to hold a peace conference in Minsk aimed at achieving a definitive settlement of the conflict.

Indonesia

[Original: English]
[29 January 2009]

1. The Government of the Republic of Indonesia supports General Assembly resolution 62/243 on the ground that it reaffirms relevant purposes and principles contained in the Charter of the United Nations in addressing the conflict in and around Nagorno-Karabakh, in particular the principle of respect for territorial integrity and the inviolability of the internationally recognized borders of Member States.

2. Indonesia calls for peaceful settlement of the conflict, and believes that the implementation of the said resolution will contribute to supporting and intensifying efforts to achieve a peaceful and lasting settlement, one acceptable to both sides and in accordance with the norms and principles of international law.

3. In this regard, Indonesia continues to support the international mediation efforts in the framework of the Minsk Group of OSCE, as well as bilateral consultations between the parties. Indonesia urges both parties to remove obstacles to the peace process.

4. Indonesia also associates itself with the position of the Organization of Islamic Conference on the issue.

Kazakhstan

[Original: Russian]
[3 February 2009]

1. The Republic of Kazakhstan advocates the settlement of regional and international conflicts, including the problem of Nagorno-Karabakh, exclusively by peaceful means. It also supports conflict resolution measures in line with United Nations Security Council resolutions and within the framework of the OSCE Minsk Group.

2. Kazakhstan hopes that the search for a peaceful resolution to the situation will continue, shares the concern of the international community regarding the settlement of the Nagorno-Karabakh problem and condemns any form of interference in the internal affairs of States that leads to an escalation of tensions, increases the number of refugees and displaced persons, complicates the humanitarian situation or threatens the territorial integrity, independence, security and stability of sovereign States.

Malaysia

[Original: English]
[14 November 2008]

1. Malaysia remains firm in upholding the purposes and principles of the United Nations as encapsulated in its Charter. Malaysia further remains firm in its adherence to the decisions and resolutions of the various organs of the United Nations, including the General Assembly — the chief deliberative and policymaking organ of universal membership, of the United Nations.

2. In its capacity as Chair of the Islamic Summit Conference for the 2003-2008 term, Malaysia took the lead, on behalf of the member States of the Organization of the Islamic Conference (OIC), and with their support and the cooperation of the Secretariat of OIC, in responding to the situation in the occupied territories of Azerbaijan. The OIC remains consistent in its position on the issue, as described in OIC Resolution No. 12/10-P(IS) entitled "The aggression of the Republic of Armenia against the Republic of Azerbaijan" that was adopted by the Tenth Islamic Summit Conference, held in Putrajaya, Malaysia, from 11 to 18 October 2008.

3. Malaysia is supportive of all efforts by the international community geared towards the peaceful settlement of the conflict between Armenia and Azerbaijan over the Nagorno-Karabakh issue, which must be pursued in accordance with the Charter of the United Nations and international law. Malaysia is further supportive of efforts, in particular, by both Armenia and Azerbaijan and the Organization for Security and Cooperation in Europe in this connection. Malaysia is hopeful that both parties will succeed in resolving the conflict through negotiations, bearing in mind the imperatives as prescribed under paragraphs 1, 2, 3, 4, 5, 6 and 7 of General Assembly resolution 62/243.

Mexico

[Original: Spanish]
[12 January 2009]

Mexico favours the resolution of this question through dialogue and the established regional channels, with the approval of all the parties involved.

Pakistan

[Original: English]

Pakistan supports all efforts for the implementation of this resolution aimed at a peaceful negotiated settlement of the conflict in accordance with the norms and principles of international law.

Slovakia

[Original: English]
[30 October 2008]

1. In accordance with paragraph 6 of General Assembly resolution 62/243 on the situation in the occupied territories of Azerbaijan, the Slovak Republic supports the OSCE Minsk Group as a legitimate format for the resolution of the situation in the conflict area of Nagorno-Karabakh.

2. In accordance with paragraph 7 of the resolution, the Slovak Republic, for its part, strives to contribute to the settlement of the conflict by means of active diplomacy, which is demonstrated by official visits of the Minister of Foreign Affairs of the Slovak Republic to both countries to the conflict, Armenia as well as Azerbaijan, in the first half of 2008. This proves that the position of the Slovak Republic towards the South Caucasus countries has been adequately balanced.

Sudan

[Original: Arabic]
[17 November 2008]

The Government of the Sudan is committed to the provisions of General Assembly resolution 62/243 entitled "The situation in the occupied territories of Azerbaijan", in favour of which it voted on 14 March 2008, and has not recognized as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor rendered aid or assistance in maintaining that situation. The Government of the Sudan also expresses its support for international mediation efforts, in particular those of the Co-Chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, aimed at the peaceful settlement of the conflict in accordance with the norms and principles of international law, and recognizes the necessity of intensifying those efforts with a view to achieving a lasting and durable peace in compliance with the aforementioned provisions.

Turkey

[Original: English]
[11 November 2008]

1. As a neighbouring country to the region and a member of the Minsk Group, Turkey is of the view that the Nagorno-Karabakh conflict constitutes an important obstacle for establishing peace and stability in the South Caucasus, and advocates that any resolution to the conflict must be based on the territorial integrity of Azerbaijan.

2. Armenia's occupation of 20 per cent of Azerbaijan's territory, in gross violation of international law and the United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) as well as General Assembly resolution 62/243, cannot be justified, nor can it be sustained indefinitely.

3. Turkey, in line with its commitment to fully support the territorial integrity of Azerbaijan and the relevant United Nations Security Council, General Assembly and OIC resolutions, does not accord permission to any Turkish official, non-governmental or business structures to operate any activity in the occupied territories of Azerbaijan. In this context, Turkey has made sure that all Turkish non-governmental and business structures are well-informed on the issue. As a result, no Turkish non-governmental and business structure has so far been involved in any economic, political or humanitarian activities in the occupied territories.

Ukraine

[Original: English]
[18 November 2008]

1. The position of Ukraine on the Nagorno-Karabakh conflict remains unchanged. We have been always advocating and keep advocating for its earliest peaceful settlement on the basis of universally recognized norms and principles of the international law, sovereignty, territorial integrity of the Republic of Azerbaijan, inviolability of the internationally recognized borders. We believe that relevant resolutions of the United Nations Security Council and the decisions of OSCE should be duly observed and implemented.

2. The Ukrainian side believes that, in spite of serious discrepancies in the positions of the conflicting parties, the negotiations process with the assistance of the OSCE Minsk Group will go on and succeed in bringing ultimate peace to this region.

3. Ukraine considers the declaration, adopted on 2 November 2008 in Moscow by the Presidents of Armenia, Azerbaijan and the Russian Federation, as a positive step to calm tensions and encourage stability in the region.

4. The work done by the Co-Chairs of the OSCE Minsk Group towards promoting constructive dialogue allowed signing of the first ever declaration on the Nagorno-Karabakh peace process.

5. Ukraine strictly opposes any attempts to use the Kosovo resolution scenario as a precedent for the settlement of other frozen conflicts, including the one in Nagorno-Karabakh.

6. In the framework of GUAM Ukraine (Georgia, Ukraine, Azerbaijan and Moldova Group), Foreign Ministers discussed the issues of political cooperation during the Council meeting in September 2008. The Ministers expressed the necessity to intensify international efforts towards settlement of the protracted conflicts in the GUAM area with respect to the principles of the States' sovereignty, territorial integrity of the States within their internationally recognized borders.

IV. Reply received from the 2008 Chairman-in-Office of the Organization for Security and Cooperation in Europe (Finland)[3]

[Original: English]
[17 November 2008]

Developments in the Nagorno-Karabakh peace process

1. November 2007: Organization for Security and Cooperation in Europe Ministerial Council in Madrid

1. Prior to the opening of the OSCE Ministerial Council in Madrid on 29 November 2007, Russian Federation Foreign Minister Sergei Lavrov, French Foreign Minister Bernard Kouchner and United States Under-Secretary of State Nicholas Burns, representing the Co-Chair countries of the OSCE Minsk Group, formally presented a set of "Basic Principles for the Peaceful Settlement of the Nagorno-Karabakh Conflict" to the Ministers of Foreign Affairs of Armenia and Azerbaijan for transmission to their Presidents.

2. The document on Basic Principles reflected the cumulative progress made during the negotiations between the sides conducted progressively over the course of three years (the so-called Prague Process) with the regular involvement of both Presidents. During these negotiations both sides acknowledged that they had been able to narrow the majority of their differences on the overall concept of a future, comprehensive peace agreement, which would be drafted once the two Presidents had endorsed the Basic Principles.

2. March 2008: increased tension along the Line of Contact

3. A serious clash along the Line of Contact on 4 March 2008, which resulted in a number of casualties, increased tensions and did not contribute to an atmosphere that would be conducive to progress with regard to the Basic Principles. This was compounded by the complex political situation in Armenia in the aftermath of the 19 February 2008 presidential election.

4. Following the 4 March events, the Co-Chairs called on the parties to restore confidence along the Line of Contact and to strictly abide by the provisions of the "arrangement on strengthening the ceasefire in the Nagorno-Karabakh conflict" of 4 February 1995. United States Co-Chair Matthew Bryza and the Personal Representative of the OSCE Chairman-in-Office, Ambassador Andrzej Kasprzyk, met on behalf of the three mediators with both sides to defuse the crisis.

5. The loss of life underscored the urgent need for both sides to redouble their efforts to endorse the Basic Principles and to begin as soon as possible the process of drafting a peace agreement on that basis.

[3] The "Moscow Declaration", which was also attached to this submission, had already been circulated as a document of the General Assembly (see A/63/527).

3. United Nations General Assembly resolution 62/243

6. On 14 March 2008, a draft resolution initiated by Azerbaijan under the agenda item "The situation in the occupied territories of Azerbaijan" was put to vote at the United Nations General Assembly. Resolution 62/243 was adopted with 39 votes in favour, 7 against and 100 abstentions.

7. The three Co-Chair countries, in an explanatory statement before the vote, referred to the set of Basic Principles that was formally presented to the sides in Madrid. It was pointed out that the draft resolution before the Assembly selectively propagated only some of those principles to the exclusion of others, without considering the Co-Chairs' proposal in its balanced entirety. Because of that selective approach, the Co-Chair countries opposed the unilateral draft resolution. However, they jointly underscored the fact that, despite their vote against the draft resolution, their stance should not be interpreted as a vote against Azerbaijan's territorial integrity, but rather as a vote against a unilateral proposal for settlement of the conflict.

8. The General Assembly resolution was also the main topic of discussion during the Co-Chairs' meeting with Armenian Foreign Minister Vartan Oskanyan in Vienna on 14 March 2008 and with Azerbaijani Foreign Minister Elmar Mammadyarov in Paris on 15 March 2008. The Co-Chairs, who noted with satisfaction the affirmation of both Foreign Ministers of the need to continue the negotiations, urged both sides to refrain from unilateral and maximalist actions on the ground, at the negotiating table, as well as in their public rhetoric.

4. April 2008: Bucharest meeting

9. On the margins of the North Atlantic Treaty Organization summit in Bucharest from 2 to 4 April 2008, the Co-Chairs held separate meetings with Azerbaijani President Ilham Aliyev and Armenian President-elect Serge Sarkisyan. The two leaders and the Co-Chairs exchanged views on ways to reduce differences between the sides and forge consensus on the Basic Principles. The Co-Chairs reaffirmed their long-standing view that a peaceful resolution of the conflict will require a negotiated political compromise on the final status of Nagorno-Karabakh, pending the future approval of its population. The two leaders and the Co-Chairs agreed to continue the negotiations on the existing basis, to further clarify the proposal on the table, and to pursue additional steps to advance the peace process.

10. Upon assuming the Office of President on 9 April 2008, Serge Sarkisyan appointed Eduard Nalbandyan to replace Vartan Oskanyan as Foreign Minister.

5. June 2008: St. Petersburg meeting

11. On 6 June 2008, a meeting between newly elected Armenian President Serge Sarkisyan and his Azerbaijani counterpart Ilham Aliyev took place in St. Petersburg. Both sides assessed the first meeting between the two leaders as positive and constructive, and as having enabled them to gain a better understanding of the constraints faced by each side. The Presidents requested their Foreign Ministers and the Co-Chairs to continue the negotiations within the framework of the proposals made by the Co-Chairs in Madrid in November 2007. The Co-Chairs welcomed the constructive engagement of both Presidents.

12. Taking advantage of the positive spirit noted during the meeting in St. Petersburg, the Co-Chairs travelled to the region from 26 to 28 June 2008. Following lengthy discussions with the Presidents and the Foreign Ministers in Baku and Yerevan, they also visited Stepanakert/Khankendi.

13. On 31 July 2008, the Foreign Ministers of Armenia and Azerbaijan continued the negotiations in Moscow with the participation of the Co-Chairs and the Personal Representative of the OSCE Chairman-in-Office.

6. September 2008: United Nations General Assembly session in New York

14. On the margins of the United Nations General Assembly in New York, the Co-Chairs met on 24 September 2008 with the President of Armenia and organized a meeting on 26 September with the Foreign Ministers of Armenia and Azerbaijan. This was the first meeting between both Foreign Ministers since the outbreak of the crisis in Georgia in August 2008.

15. These meetings reflected a constructive spirit and a desire by the parties to invigorate the negotiating process. The sides discussed the possibility of a meeting of the two Presidents in the nearest future. With this in mind, the Co-Chairs reiterated the position of their Governments and OSCE that there can be no military solution to the Nagorno-Karabakh conflict.

7. November 2008: the signing of a joint declaration

16. On 2 November 2008, the President of the Russian Federation hosted a meeting between the Presidents of Armenia and Azerbaijan in Moscow. The meeting confirmed the constructive spirit of the June 2008 meeting between the two leaders in St. Petersburg.

17. Following the talks in Moscow, the Presidents signed a joint declaration reaffirming their commitment to finding a political solution to the Nagorno-Karabakh conflict within the framework of the OSCE Minsk process. This was the first time in 14 years that a document was signed between Armenia and Azerbaijan at the presidential level.

8. General remarks

18. The three mediating countries, as Co-Chairs of the OSCE Minsk Group, remain ready to assist the sides to pursue negotiations on the basis of the Basic Principles which remain on the table, to elaborate those points that according to the sides and upon their request require clarification, and to help the sides find a solution to the remaining differences.

19. In this context, the Minsk Group Co-Chairs are expected to hold talks with the political leadership in Baku, Yerevan and Stepanakert/Khankendi between 13 and 17 November 2008.

20. The Minsk Group Co-Chairs have proposed a meeting between the Foreign Ministers of the Co-Chair Countries and the Chairman-in-Office in the margins of the OSCE Ministerial Council in Helsinki, scheduled for 4 and 5 December 2008. The Chairmanship is ready to facilitate this or other relevant meetings in Helsinki on request of the Co-Chairs.

21. The Personal Representative of the OSCE Chairman-in-Office, Ambassador Andrzej Kasprzyk, will continue to regularly monitor the Line of Contact and the border between Armenia and Azerbaijan. Although frequent shooting incidents are registered by both sides, the situation on the front lines is generally calm and stable.

22. Finland, currently holding the OSCE Chairmanship, will continue to promote the resolution of the protracted conflicts in the OSCE area in the run-up to the Helsinki Ministerial Council. The Finnish Foreign Minister, as OSCE Chairman-in-Office, visited Armenia and Azerbaijan in February 2008 and has held regular consultations with the Minsk Group Co-Chairs throughout the year. Special Envoy of the Chairman-in-Office, Ambassador Heikki Talvitie, has paid several visits to the South Caucasus region during the Finnish Chairmanship.